

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0164

SENATE BILL NO. 19

Introduced by: The Committee on State Affairs at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the Commission on
2 Gaming to allow the commission to authorize the executive secretary of the Commission
3 on Gaming to take certain actions on gaming licensees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 42-7B-11 be amended to read as follows:

6 42-7B-11. The commission may promulgate rules pursuant to chapter 1-26 to enable the
7 commission to:

- 8 (1) Issue licenses, oversee, and define the gaming contracts of the licensees. Any license
9 issued pursuant to this chapter is conditioned upon a specific waiver of all state and
10 federal constitutional or statutory rights of privacy regarding gaming equipment, the
11 licensed premises, all books, papers, computers, and information storage devices of
12 any kind wherever located;
- 13 (2) Inspect and examine without notice all premises where gaming is conducted or
14 gaming devices or equipment are located, sold, distributed, or stored;
- 15 (3) Seize and remove without notice or hearing from the premises and impound any



1 gaming equipment or supplies for the purpose of examination and inspection;

2 (4) At any time day or night, inspect, examine, and photocopy or remove and impound
3 all papers, books, and records of applicants and licensees and require verification of
4 income, and all matters affecting the enforcement of the provisions of this chapter;

5 (5) Contract for such legal counsel to advise it as it may choose;

6 (6) Suspend for cause any gaming license;

7 (7) Require any applicant for a license as an operator or a retailer to disclose any
8 pecuniary interest in the applicant by any person;

9 (8) Carry out such duties as may be imposed upon the state as a result of a compact
10 entered into under the authority of the federal Indian Gaming Regulatory Act,
11 provided the cost of performance of such duties is adequately funded by payments
12 made available to the commission under the compact;

13 (9) Permit the executive secretary to issue or deny support licenses;

14 (10) Grant a license with special conditions or a license for a limited period, or both;

15 (11) Establish a procedure for establishing the suitability or unsuitability of persons and
16 acts or practices;

17 (12) Regulate the manufacture of gaming devices and equipment for exportation outside
18 this state;

19 (13) Establish procedures and regulations relating to corporations, partnerships, limited
20 liability companies, affiliated companies and affiliates including the issuance,
21 revocation, and suspension of licenses, and procedures generally to regulate gaming
22 activities;

23 (14) Permit the executive secretary to enter into contracts and memorandums of
24 understanding with regulatory agencies of other states and countries for the purpose

1 of conducting background investigations of applicants;

2 (15) Permit the executive secretary to approve the transfer of a license stamp between
3 licensed operators;

4 (16) Permit the executive secretary to renew licenses issued by the commission, to
5 approve additional retail licenses to a person who holds at least one retail license in
6 good standing, and to approve the assignment of the locations of retail licenses in
7 good standing, all subject to the approval of the commission at the commission's next
8 regular meeting.